

of the Food and Drugs Act. The article was labeled in part: (Can) "Salsa Di Pomodoro. * * * Packed by LaSierra Heights Canning Co., Los Angeles, California."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 17, 1932, Frank A. Taormina, vice-president of the Uddo-Taormina Corporation, entered an appearance and filed a claim for the property on behalf of said corporation. Subsequently the claimant filed a motion to dismiss, which motion was over-ruled on January 28, 1933, and on February 16, 1933, an answer was filed denying the adulteration charge. On March 15, 1933, a jury having waived, the case came on for trial and the court having heard the pleadings and the evidence and arguments of counsel, entered judgment condemning and forfeiting the property and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22078. Adulteration of butter. U. S. v. Paul A. Schulze Co. Plea of nolo contendere. Fine, \$300 and costs. (F. & D. no. 27462. I. S. nos. 18531, 30366, 31013, 31014, 33945, 34107.)

This case was based on interstate shipments of butter which contained less than 80 percent by weight of milk fat.

On April 6, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Paul A. Schulze Co., a corporation, St. Louis, Mo., alleging shipment by said company between the dates of May 27, 1931, and June 17, 1931, from the State of Missouri, in part into the State of New York and in part into the District of Columbia, of quantities of butter which was adulterated. The article was labeled variously: "Sunshine Valley Butter * * * Packed Exclusively For Sunshine Valley Product Co., St. Louis, Mo.", "Jersey Belle Creamery Butter * * * Paul A. Schulze Co., St. Louis, Mo."; "Blue Ribbon Brand Creamery Butter * * * David W. Lewis & Co., New York City."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On April 28, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$300 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22079. Adulteration and misbranding of oysters. U. S. v. Charles A. Loockerman. Plea of nolo contendere. Judgment of guilty; fine, \$100 and costs. (F. & D. no. 28130. I.S. nos. 39280 to 39283, incl., 39286 to 39289, incl., 41361, 41365, 41374, 45723, 47554.)

This case was based on interstate shipments of oysters which contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles A. Loockerman, Crisfield, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, between the dates of November 16, 1931, and December 22, 1931, from the State of Maryland, into the States of Missouri, Pennsylvania, Illinois, and Ohio, of quantities of oysters which were adulterated, and the greater number of shipments of which were also misbranded. One of the shipments was labeled, "Minimum 1-Gallon Volume", and was invoiced as "Standards." The remaining shipments were labeled in part: "Fansepakt * * * Oysters Packed Exclusively For Mid-Central Fish Co., Kansas City, Mo., Distributors"; or "Original Pac, * * * Oysters."

It was alleged in the information that the article was adulterated in that water had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength; in that water had been substituted in part for oysters which the article purported to be; and in that a valuable constituent of the article, oyster solids, had been in part abstracted.

Misbranding of all lots but one was alleged for the reason that the statement on the label, "Oysters", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since

the article was represented to consist wholly of oysters, whereas it consisted in part of excessive water.

On May 2, 1934, a plea of nolo contendere was entered, and the court found the defendant guilty and imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22080. Adulteration of canned tomatoes. U. S. v. 719 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 28797 to 28806, incl. Sample nos. 13394-A, 16779-A, 16782-A.)

This case involved an interstate shipment of canned tomatoes, examination of which showed the presence of insect-infestation and maggots.

On August 27, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 719 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about May 20, 1932, by J. W. Gillespie, from Princeton, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Winners Brand Tomatoes * * * Packed By Columbia Canning Co. Homestead, Fla. J. W. Gillespie Owner."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 10, 1934, the claim of J. W. Gillespie, the sole intervener, having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22081. Adulteration and misbranding of oysters. U. S. v. Robert W. Howeth and Charles W. Howeth, Jr. (Chas. W. Howeth & Bro.). Pleas of nolo contendere. Judgments of guilty. Fine, \$90 and costs. (F. & D. no. 29355. I.S. nos. 37573, 37574, 37578, 39687, 39689.)

This case was based on interstate shipments of oysters which contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert W. Howeth and Charles W. Howeth, Jr., copartners, trading as Chas. W. Howeth & Bro., Crisfield, Md., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about November 16, 17, 18, and 19, 1931, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated, and a portion of which were also misbranded. The product in one of the shipments was labeled: "Famous Sea Foods H. & B. Brand Oysters * * * These Oysters are Packed in Accordance with the National Health Regulations and Pure Food Laws." The remainder was labeled: "Minimum Volume 1 Pt."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; in that excessive water had been substituted in part for the article; and in that oyster solids, a valuable constituent of the article, had been in part abstracted.

Misbranding of the product in one of the shipments was alleged for the reason that the statement, "These Oysters Are Packed In Accordance With The * * * Pure Food Laws", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article was adulterated in violation of the Federal Food and Drugs Act.

On May 2, 1934, pleas of nolo contendere were entered, and the court found the defendants guilty and imposed a fine of \$90 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22082. Adulteration of oysters. U. S. v. Nelson R. Coulbourn (N. R. Coulbourn). Plea of nolo contendere. Judgment of guilty. Fine, \$10 and costs. (F. & D. no. 29383. I.S. no. 37603.)

This case was based on a shipment of oysters which contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nelson R. Coulbourn, trading as N. R. Coulbourn, Crisfield, Md., alleging shipment by said defendant, in violation of the Food and